

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PEDRO R. DUARTE,

Petitioner,

vs.

BRIAN WILLIAMS,

Respondent.

2:12-cv-01305-JCM-PAL

ORDER

Petitioner has filed a second motion for enlargement of time to respond to the motion to dismiss (ECF no. 33) seeking a thirty day extension of his filing deadline. Good cause appearing that motion will be granted. However, given that petitioner will have had more than 90 days to prepare his response, no further extension will be granted for this purpose without a showing of extraordinary circumstances.

Petitioner also moves for relief from the court's order denying him counsel (ECF 31). Relief under Rule 60(b)(6) requires the moving party to make a showing of "extraordinary circumstances." *Gonzalez v. Crosby*, 545 U.S. 524, 535, 125 S.Ct. 2641 (2005). "Such circumstances will rarely occur in the habeas context," and "Rule 60(b) proceedings are subject to only limited and deferential appellate review." *Id.* Petitioner offers nothing to demonstrate extraordinary circumstances requiring reconsideration of the court's order. He has also located the assistance of another inmate, nullifying his representations in the motion. This motion will be denied.

IT IS THEREFORE ORDERED that the motion for enlargement of time to file a response to the motion to dismiss (ECF No. 33) is **GRANTED**. The response shall be filed and served upon

1 respondents no later than September 15, 2013. No further enlargements of time will be granted absent
2 a showing of extraordinary circumstances.

3 **IT IS FURTHER ORDERED** that the motion for relief from the court's order (ECF No. 31)
4 is **DENIED**.

5 Dated this 12th day of August, 2013.

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8 UNITED STATES DISTRICT JUDGE
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